

Evolution of the Forest Practices Code

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Introduction

The Forest Practices Code is a package of legislation, regulations and guidebooks which govern forest practices in British Columbia.

Development of the code began in 1991 and culminated with the Forest Practices Code of British Columbia Act and its supporting regulations coming into force in June 1995 (two regulations and 20 guidebooks remain outstanding).

Implementation of the code's operational planning requirements is being phased-in over the first two-years to ensure an orderly, fair transition from the existing contractual framework for forest practices to the new statutory framework.

This document provides: a chronological summary of the code's development over the past four years; a description and status of each component of the code's regulatory framework, and a full list of the regulations and guidebooks; and, an overview matrix of the code's transitional provisions.

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History of the Forest Practices Code

- In April 1991, the Forest Resources Commission (FRC) recommended, in a report on the state of forest management in B.C., a "single, all-encompassing code of forest practices". The code would consolidate the existing legislation, regulations and guidelines governing forest practices in B.C..
- In response, the Ministry of Forests released A Forest Practices Code Discussion Paper - July 1991, a preliminary discussion paper soliciting input on how a code should be developed and what it should contain. The FRC collated the input, conducted further public consultations, and reported back in April 1992 with a set of principles for developing a code, and a set of recommendations for a code framework.
- The principles and about 2/3 of the recommendations were adopted by a multi-agency Steering Committee formed in September 1992 to supervise the code's development. The committee included representatives from the Ministry of Forests (MOF), the Ministry of Environment, Lands and Parks (MELP), the Ministry of Energy, Mines and Petroleum Resources (MEMPR), and the

Commission on Resources and Environment (CORE). A representative from the Department of Fisheries and Oceans (DFO) sat on the committee's secretariat.

- Under the Steering Committee, a multi-agency Technical Subcommittee was formed to develop the technical content of a code. Working groups assigned to individual areas of code development (eg, harvesting, silviculture) reported to the Subcommittee.
- In November 1993, two documents -- Forest Practices Code Discussion Paper and Forest Practices Code Rules -- were released for public and stakeholder review. Input on the documents was received over three months, in the form of questionnaire responses, written submissions, open houses across the province, stakeholder workshops, and information sessions with First Nations. At the same time, drafting of the code legislation began.
- In January 1994, Compliance and Enforcement teams were formed in the forest districts. The teams were charged with ensuring that guidelines expected to become code regulations were embodied in plans, prescriptions and permits, and that those documents were monitored and enforced.
- In February 1994, Implementation Teams were formed in MOF and MELP to help the agencies gear-up for code implementation. This involved: developing training packages; developing internal policies and procedures to support the code; upgrading information systems to support tracking of code information; and, managing transition and other implementation issues.
- In May 1994, the Forest Practices Code Standards with Revised Rules and Field Guide References and five Draft Regulations were released for public and stakeholder review. Another three-month period of consultations ensued, involving written submissions, stakeholder workshops, and information sessions with First Nations.
- In July 1994, Bill 40 - the Forest Practices Code of British Columbia Act was passed in the Legislature. This was followed by legislation training sessions around the province for both MOF and MELP.
- In September 1994, the MOF Enforcement Branch was established to provide direction and policy advice on code enforcement to the forest districts. As well, a joint MOF/MELP Enforcement Committee was formed to coordinate monitoring and enforcement activities among the two agencies.
- In November and December 1994, three consultation workshops were held with managed private forest land (MPFL) owners to obtain input on a regulation that would apply the code to MPFLs. [Consultations with MPFL owners are still underway as the regulation is being developed - see "development issues"].
- In January 1995, a Memorandum of Understanding (MOU) Among the Three Principal Ministries Regarding Joint Administration of the Forest Practices Code was signed. The document outlines each agency's responsibilities, and has formed the basis of regional MOUs and district action plans developed to facilitate joint administration of the code at the field level.
- In April 1995, 18 regulations and the first 16 guidebooks were released, and agency training on the regulations began. Another two regulations and 17 guidebooks have been released since April 1995.

- On June 15, 1995, the Forest Practices Code of British Columbia Act and regulations came into effect. At that time, the Forest Practices Board was formed to conduct independent audits and hear public complaints regarding forest practices, and the Forest Appeals Commission was formed to hear appeals under the code.
- Also in June 1995, a MOF Transitional Working Group was formed to: manage field implementation issues during transition; identify and develop amendments to the Act and regulations; and, clarify code requirements for field staff through regular meetings around the province and circulation of briefings, bulletins and other communications documents.
- Between June 15 and December 15, 1995, the Cutblock and Road Review was conducted. This involved licensees assessing the conformity of existing cutting permits, road permits and operational plans with key standards in the Cutblock and Road Review Regulation respecting green-up, cutblock size, high-value fish streams, community watersheds, and terrain stability. Where necessary, amendments are being identified to plans and permits to bring them into substantial compliance with the code. This process is expected to be completed by the end of February 1996.
- In February 1996, A Comparative Review of the Forest Practices Code of British Columbia with Fourteen Other Jurisdictions was released. The comparison found that B.C. has the most comprehensive forest practices legislation of the examined international jurisdictions.
- Also in February 1996, a Forest Practices Code Timber Supply Impact Analysis was released. The analysis found that implementation of the code will have an impact of about 6% on short-term harvest levels. This figure is a provincial average that assumes regional variation.

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Status of Forest Practices Code development

Forest Practices Code of B.C. Act

- Provides legal framework for administering code.
- Sets out mandatory forest practices, enforcement provisions, and administrative arrangements.
- Came into force June 15, 1995.

Forest Practices Regulations

- State universal and fundamental forest practices that apply throughout province.
- Set out planning processes and procedures.
- Elaborate on enforcement and appeal provisions, and Forest Practices Board powers and operating procedures.
- Represent "heart" of code, in that almost all provisions in Act and guidebooks are subject to regulations. 22 expected; 20 released to date.
- Remaining to be completed in 1996:
 1. Botanical Forest Products
 2. Managed Private Forest Land

Provincial and Regional Guidebooks

- Provide guidance for implementing regulations (and standards).
- Allow for site-specific interpretation, and become legally enforceable when specific guidebook recommendations are inserted in plans, prescriptions, and permits. 54 expected; 34 released to date with rest expected in 1996.

Note: During code development, proposed "rules" became regulations, proposed "standards" became regulations or guidebooks, and "field guides" were renamed guidebooks.

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Code Implementation Schedule during transition

Jun 15 - Dec 15, 1995

Operational Plans:

- For the first six months, existing and new operational plans need not meet content and review provisions of Code.
- During the first six months, licensees must assess the conformity of existing cutting permits and road permits with the Cutblock and Road Review Regulation.

Forest Practices:

- All forest practice provisions of Code are effective immediately, unless they are inconsistent with provisions in existing operational plans and operational plans submitted within the first six months, in which case the operational plan prevails.

Dec 15, 1995 - Jun 15, 1997

Operational Plans:

- Based upon cutblock and road reviews, the District Manager may require amendments to cutting and road permits, and to associated operational plans.
- Operational plans submitted for approval after December 15, 1995 and before June 15, 1997 must be in substantial compliance with content requirements of the Code, and in full compliance with review requirements.

Forest Practices:

- All operational plans submitted for approval after the first six months must be in full compliance with forest practice provisions of the Code. June 15, 1997
- All operational plans submitted for approval after the first 2 years must be in full compliance with the Code.

List of Regulations

Planning Regulations:

- Statagic Planning
- Operational Planning

Field Practice Regulations:

- Timber harvesting practices
- Silviculture practices
- Range practices
- Forest recreation
- Forest fire prevention and suppression
- Forest service road use
- Forest road
- Tree cone, seed and vegetative material

Administrative Regulations:

- Forest practices board
- Administrative review and appeal procedure
- Administrative review and appeal procedure (Forest Act)
- Provincial forest use
- Security for forest practice liabilities

Enforcement Regulations:

- Administrative remedies
- Performance based harvesting
- Ammendments to offence act (2)

Transitional Regulations:

- Cutblock and road review

Undrafted Regulations:

- Managed private forest land
- Botanical forest products

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Contact Tim Ebata if you have any comments on the presentation of this information.

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